



THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

STEPHEN McCOLLUM, STEPHANIE \*  
KINGREY, and SANDRA \*  
McCOLLUM, individually and as \*  
heirs at law to the Estate of \*  
LARRY GENE McCOLLUM, \*

PLAINTIFFS \*

vs. \*

CIVIL ACTION NO. \*  
3:12-CV-02037 \*

BRAD LIVINGSTON, JEFF PRINGLE, \*  
RICHARD CLARK, KAREN TATE, \*  
SANDREA SANDERS, ROBERT EASON, \*  
the UNIVERSITY OF TEXAS \*  
BRANCH and the TEXAS \*  
DEPARTMENT OF CRIMINAL JUSTICE \*

DEFENDANTS \*

ORAL VIDEOTAPED 30(B)6 DEPOSITION OF JEFF PRINGLE

August 12th, 2013

ORAL VIDEOTAPED 30(B)6 DEPOSITION OF JEFF

PRINGLE, produced as a witness at the instance of the  
Plaintiffs and duly sworn, was taken in the above-styled  
and numbered cause on the 12th day of August, 2013, from  
10:33 a.m. to 1:33 p.m., before Curtis High, Certified  
Shorthand Reporter in and for the State of Texas,  
reported by computerized stenotype machine at the  
Hutchins Unit of the Texas Department of Criminal  
Justice, 1500 E. Langdon Road, Dallas, Texas 75241,  
pursuant to the Federal Rules of Civil Procedure and the  
provisions stated on the record or attached hereto.

Stephen McCollum, et al  
Brad Livingston, Jeff Pringle, et al

Jeff Pringle  
August 12, 2013

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ALSO PRESENT:

Tim Bishop, Videographer

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| 36A | Copy of Form HMS 18 titled .....114 | 1 |  |
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Plaintiffs' MSJ Appx. 6743

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1 Q (By Mr. Edwards) Isn't that what officers  
2 should do when they come upon someone who is  
3 nonresponsive and who has collapsed, get 911 there as  
4 fast as possible?

5 MR. GARCIA: Objection, speculation.

6 THE WITNESS: Training is begin first aid  
7 CPR as a first responder.

8 Q (By Mr. Edwards) So did these officers not do  
9 the right thing then?

10 A They took the right actions.

11 Q Sir, as the head of a jail where people could  
12 collapse a lot, shouldn't 911 be called upon a collapse  
13 all the time?

14 MR. GARCIA: Objection, speculation.  
15 Objection, argumentative. Objection,  
16 mischaracterization of this facility.

17 THE WITNESS: No, it should not.

18 Q (By Mr. Edwards) Okay. So to be crystal clear,  
19 TDCJ is not critical of the delay in contacting 911 in  
20 the McCollum case?

21 MR. GARCIA: Objection, asked and  
22 answered.

23 THE WITNESS: I don't know.

24 Q (By Mr. Edwards) Okay. You are not critical of  
25 the delay in calling 911 as the senior security

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1 supervisor of the Hutchins Unit though; is that correct?

2 A I am not.

3 Q Okay. Have you had discussions with your  
4 supervisor, Director Eason, about the delay in getting  
5 911 called in the McCollum case?

6 A That was covered in the previous deposition  
7 that we did have discussion.

8 Q Did he tell you he was concerned about the  
9 delay in contacting 911 given the McCollum  
10 circumstances?

11 A He did have a concern.

12 Q Okay. You don't share that concern though; is  
13 that correct?

14 A That doesn't mean that he didn't agree with the  
15 report.

16 MR. EDWARDS: Let me object as  
17 nonresponsive.

18 Q (By Mr. Edwards) You don't agree with Director  
19 Eason's concern about the delay in getting -- in  
20 contacting 911 in the McCollum case; is that true?

21 A That is not true.

22 Q Do you have any concerns about the delay in  
23 contacting 911 in the McCollum matter?

24 A The concerns that he and I talked is not the  
25 question you are asking.

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1 Q Okay. Do you see any problems with that, sir,  
2 from a supervisory standpoint?

3 A I do not.

4 Q All right. Let's talk about policies regarding  
5 heat at the Hutchins Unit, okay?

6 A Okay.

7 Q What are they -- strike that. At the time in  
8 July of 2011, before and up until Mr. McCollum died,  
9 what policies were in place relating to heat at the  
10 Hutchins Unit?

11 A Each year around the month of May an e-mail  
12 directive from the leadership comes out outlining  
13 several bullets of actions that are to be taken by the  
14 units and it also referenced AD 1064 which is extremes  
15 in the workplace.

16 Q Okay. Are those -- is that it in terms of heat  
17 policies at the Hutchins Unit?

18 A Yes.

19 Q Okay. Do you know if -- well, what are the  
20 bullet points in that e-mail memo? You get that every  
21 year, right?

22 A Yes.

23 Q Okay. Like you have gotten that five, six  
24 years in a row, right, at least?

25 A At least.

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1 available to inmates, right?

2 A No, I did not.

3 Q How did inmates get them?

4 A They were placed in their housing area.

5 Q So personal fans, those weren't available at  
6 the Hutchins Unit, right?

7 A Correct.

8 Q In the e-mail directive do you think they were  
9 talking about these big portable fans or do you think  
10 they were talking about personal fans since you reviewed  
11 it for six, seven, eight years?

12 A There is a bullet about offenders and personal  
13 fans.

14 Q Does that apply at the Hutchins Unit?

15 A Personal fans do not apply.

16 Q That's a decision that you make you are not  
17 going to provide them with access to personal fans,  
18 right, at the Hutchins Unit?

19 A That is not my decision.

20 Q Whose decision is it?

21 A I do not know.

22 Q Well, is it Director Eason's?

23 A I do not know.

24 Q So you don't know if it's Director Eason,  
25 Director Thaler, Director Stephens, Director Livingston?

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1 A I do not.

2 Q That would be the appropriate -- those would be  
3 the people above you who would be making policy; is that  
4 fair?

5 A At that time it would be.

6 Q Okay. Could you if you wanted to provide  
7 personal fans to inmates?

8 A I have already answered these questions in my  
9 previous deposition.

10 Q You haven't answered that one. Could you if  
11 you wanted to, sir, provide personal fans to inmates?

12 MR. GARCIA: Objection, asked and  
13 answered.

14 THE WITNESS: I have already answered that  
15 in my previous deposition. No, I could not.

16 Q (By Mr. Edwards) Why not?

17 A There are no electrical outlets.

18 Q Are all fans electrical, sir?

19 A Fans that the agency sells that I have seen  
20 are.

21 Q If you wanted to bring in or make available at  
22 the commissary nonelectric fans or battery operated  
23 fans, could you do so?

24 A No, I could not.

25 Q Why not?

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1 A Because I don't approve or have discussion with  
2 those that make the decision on what commissary sells.

3 Q Knowing that these fans -- personal fans are  
4 not available at the Hutchins Unit, have you ever had a  
5 discussion with any of your supervisors about other  
6 types of fans that the unit could make available to  
7 inmates at the Hutchins Unit?

8 A No, I have not.

9 Q Do you think you should?

10 A No, I do not.

11 Q Okay. Following Mr. McCollum's death have you  
12 had any such discussions?

13 A No, I have not.

14 Q Do you think you should?

15 A I do not.

16 Q Why not?

17 A That's a decision between the leadership and  
18 whoever is involved in those meetings there.

19 Q Not you?

20 A It is not me.

21 Q Okay. Do you know who the leadership is that  
22 would be involved in those decisions?

23 A I do not.

24 MR. GARCIA: Objection, asked and  
25 answered.

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1 MR. GARCIA: Objection.

2 MR. EDWARDS: We talked about that in the  
3 last deposition.

4 MR. GARCIA: Exactly. Asked and answered.

5 Q (By Mr. Edwards) Okay. As you testify here  
6 today you don't think it's important for you to know  
7 what the warning signs of heat stroke are?

8 A I do not recall what they are.

9 Q I know you don't recall what they are. My  
10 question is don't you think it's important that you do  
11 know that?

12 A No, I do not.

13 Q Don't you think it's really important that your  
14 correctional officers know that?

15 A I do not know what is important that they need  
16 to know.

17 Q Aren't you their supervisor?

18 A I am the highest ranking security supervisor on  
19 the Hutchins Unit.

20 Q Do you take no responsibility for what your  
21 officers ought to know relating to warning signs of heat  
22 stroke?

23 A No, I do not.

24 Q Okay. Just so I am clear because I think that  
25 question may be -- I want to make perfectly clear. Sir,

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1 A They have two lists which is a monthly list and  
2 then they have a bi-monthly list.

3 Q Do you know if they generate this list  
4 following the intake physical?

5 A I do not know.

6 Q Do you know if they generate this list  
7 following the first time somebody comes off the bus and  
8 there is some sort of -- I don't know what you would  
9 call it -- some sort of meeting with some nurse?

10 A I do not know.

11 Q You don't know. Do you think you should know  
12 that?

13 A I do not.

14 Q Why not?

15 A Because that's not one of my job duties.

16 Q Protecting inmates who are vulnerable to heat  
17 from heat stroke is a job duty of yours, correct?

18 A No, it is not.

19 Q Is protecting inmates who are vulnerable to  
20 extreme heat from heat stroke one of the duties of your  
21 correctional officers?

22 A I am not familiar with their job postings and  
23 procedures.

24 Q You're their boss, right?

25 A I am the highest ranking security official on

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1 two screens are you talking about?

2 A The monthly and the bi-monthly.

3 Q Okay. So not like some sort of assessment form  
4 or anything like that. It's a specific list UTMB  
5 generates and you have got some officer whose  
6 responsibility it is to review that?

7 A Correct.

8 Q Okay. So let me just -- I mean if -- if I am  
9 an inmate coming to the facility and I get off the bus  
10 and I don't know, I have hypertension and diabetes which  
11 are clearly, according to TDCJ, vulnerable to heat  
12 extremes. And I come at like let's say the 7th of the  
13 month and it turns out that UTMB generates this list on  
14 the 15th of the month, I won't get a white armband  
15 until the 16th?

16 MR. GARCIA: Objection, speculation.

17 Q (By Mr. Edwards) According to your policy and  
18 the way you run things?

19 A Can you be more specific with the question?

20 Q Not really. I mean let's say somebody who is  
21 vulnerable to heat shows up at your prison on the 7th of  
22 the month. You with me?

23 A No, I am not.

24 Q You are a transfer facility, right?

25 A Correct.

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1 Q That means people come here, right? They are  
2 brought here from county jails and other places,  
3 correct?

4 A Yes.

5 Q Okay. So some of those people are going to be  
6 vulnerable to heat, right?

7 A I do not know.

8 Q Seriously, you don't know if some of the people  
9 that come into your prison are going to be vulnerable to  
10 extreme heat, is that your testimony?

11 MS. COOGAN: Objection, vague.

12 THE WITNESS: I don't know that.

13 Q (By Mr. Edwards) Okay. Sir, do you suspect  
14 that some of the people that come into your facility are  
15 going to have diabetes?

16 A I do not know.

17 Q Do you suspect that some of the people that  
18 come into your facility are going to have hypertension?

19 A I do not know.

20 Q Do you suspect that some of the people that  
21 come into your facility are going to be, I don't know,  
22 older than 60?

23 A I don't know.

24 Q Do you suspect that some of the people that  
25 come into your facility are going to be older than 40?

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1 A I do not know.

2 Q Do you suspect that some of the people that are  
3 going to come into your facility are going to be on  
4 psychotropic medications?

5 A I do not know.

6 Q Do you suspect some of the people that come  
7 into your facility are going to be on diuretic  
8 medications?

9 A I do not know.

10 Q I mean shouldn't any competent supervisor know  
11 the answers to those questions?

12 A Can you repeat the question?

13 Q Wouldn't any competent supervisor, shouldn't he  
14 or she know the answers to those questions?

15 A I do not know.

16 Q Does Director Eason know you don't know the  
17 answers to those questions?

18 MR. GARCIA: Objection, speculation.

19 THE WITNESS: I don't know.

20 Q (By Mr. Edwards) Does Executive Director  
21 Livingston know you don't know the answers to those  
22 questions?

23 MR. GARCIA: Objection, speculation.

24 THE WITNESS: I don't know.

25 Q (By Mr. Edwards) Do you see any problems with

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1 the practice that you have instituted relating to this  
2 white armband list from a protecting people who are  
3 vulnerable to heat from extreme heat?

4 MR. GARCIA: Objection, vague.

5 THE WITNESS: You please reask the  
6 question?

7 Q (By Mr. Edwards) You see any flaws in the  
8 system that you have created?

9 A Could you please be more specific?

10 Q Do you see any flaws in the armband system that  
11 you have implemented at the Hutchins Unit?

12 A I do not.

13 Q Okay. You don't think it might leave some  
14 people who are vulnerable to heat exposed to those  
15 temperatures before they are identified by UTMB or TDCJ?

16 A I do not.

17 Q But to be fair you don't even know if people  
18 over 40 are showing up at your jail, right?

19 A I do not know.

20 Q Do you believe that that's an honest and  
21 truthful answer, sir?

22 A Yes, I do.

23 Q All right. Do you agree with Director Eason  
24 that TDCJ is doing -- prior to Mr. McCollum's death was  
25 doing a wonderful job protecting inmates from heat?

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1 wrong room.

2 MR. GARCIA: Me to. Withdraw the  
3 objection.

4 Q (By Mr. Edwards) What is the room where  
5 sometimes there is storage, sometimes there is tables?  
6 What is that room called that is air conditioned at the  
7 Hutchins Unit?

8 A In that building?

9 Q I think it's in all the buildings but I could  
10 be wrong.

11 A The multipurpose room.

12 Q The multipurpose room. Thank you very much.  
13 Do you recall specifically what the multipurpose room  
14 was used for in July of 2011?

15 A As I testified in the last deposition that one  
16 would have been used for programming.

17 Q Is there any record that you're aware of that  
18 would show the programming that went on in the  
19 multipurpose room in the C Building?

20 A That was also testified in the last deposition  
21 and the records of that room being utilized for AA and  
22 UCC was submitted to my counsel.

23 Q Okay. Other than for AA, and what was the  
24 other thing you said?

25 A UCC.

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1 Q UCC. What's UCC?

2 A Unit Classification Committee.

3 Q Other than those two things do you know if it  
4 was used for anything else?

5 A No.

6 Q All right. Let's talk about training relating  
7 to the heat. When an inmate comes upon someone who is  
8 exhibiting signs of heat stroke -- strike that. When a  
9 correctional officer comes upon someone exhibiting signs  
10 of heat stroke, what are they supposed to do?

11 A You are supposed to do the CPR, assess them,  
12 and depending on what the signs are at that time would  
13 depend on your next action.

14 Q Okay. They are having a heat stroke.

15 A They would identify if he is hot, clammy,  
16 unresponsive, and then their response would be as I  
17 testified earlier already. Place cold water on them,  
18 towels. Also stabilize their head to keep them from  
19 injuring themselves and keep them from biting their  
20 tongue or swallowing the tongue.

21 Q Anything else?

22 A That's all I recall.

23 Q Okay. You recall being trained that you should  
24 put some cold towels on them?

25 A Cool them off immediately.

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1 know?

2 A I would not have an opinion.

3 Q Fair enough. Okay. Let's talk about ice  
4 water, okay. Did a directive come down that was  
5 different in either 2012 or 2013 concerning ice water?

6 A No.

7 Q Same old -- same old policy relating to ice  
8 water, right?

9 A Same guidelines.

10 Q And I believe you told me you bring in a jug of  
11 ice water for the dorm I believe you said three times a  
12 day, is that accurate?

13 A Yes, it is.

14 Q Okay. Do you know if actual ice was placed  
15 into these jugs on July 15th, 16th, 17th, 18th,  
16 19th, 20th, 21st or 22nd of 2011?

17 A I do not know.

18 Q Is there any way I could find out?

19 A There are no records kept.

20 Q Okay. You would agree with me that it  
21 absolutely should have; is that fair?

22 A No, I do not.

23 Q Okay. You just think it should have been water  
24 then?

25 MR. GARCIA: What are we talking about?

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1 delivered?

2 A For 12:00 and 11:00 it should have, yes.

3 Q So you are changing your prior answer?

4 A Yes.

5 Q Okay. It absolutely should have, and if it  
6 wasn't, then would you agree with me that the prison  
7 wasn't doing what it should to protect inmates from  
8 extreme heat?

9 MR. GARCIA: Objection, speculation.

10 THE WITNESS: No.

11 Q (By Mr. Edwards) Okay. So if by some chance it  
12 wasn't placed. The ice wasn't placed in the jug the way  
13 it is supposed to be, you would disagree with me that  
14 the prison is not doing what it is supposed to be doing  
15 to protect vulnerable people from extreme heat?

16 A I disagree with it.

17 MS. COOGAN: Objection.

18 Q (By Mr. Edwards) Okay. If inmates testify that  
19 the water that was brought in to Mr. McCollum's dorm was  
20 not iced down would you dispute that in any way?

21 A No, I would not.

22 Q Do you know that the Center for Disease Control  
23 recommends that a person drink two to four glasses of  
24 water an hour in periods of extreme heat?

25 A No, I do not.

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1 evidence doesn't assume.

2 MR. GARCIA: Well, that part about the  
3 CDC, the hypothetical you gave him, that's a whole lot  
4 of stuff you just made up.

5 MR. EDWARDS: That's great, and if you had  
6 objected to the prior question --

7 MR. GARCIA: I am objecting now.

8 MR. EDWARDS: -- I suppose that might be  
9 somewhat legitimate. You can't, Bruce. That's not how  
10 it works.

11 MR. GARCIA: It's working that way today,  
12 Jeff.

13 MR. EDWARDS: Well, you do it. It's just  
14 improper.

15 Q (By Mr. Edwards) Sir, is there any reason you  
16 couldn't bring the jugs of water more often than you did  
17 back in July of 2011?

18 A We could take jugs of water all day long to a  
19 dorm.

20 Q In periods of extreme heat then why don't you?

21 A Because we don't have -- the water jugs are  
22 intended to have ice in them and the ice does not  
23 produce enough to provide ice water all day long. The  
24 offenders have access to other drinking abilities within  
25 their dorm to obtain that water you are talking about.

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Brad Livingston, Jeff Pringle, et al

Jeff Pringle  
August 12, 2013

1 Q Would another solution be to get more ice?

2 A It would be.

3 Q You are making a choice not to do that, right?

4 MR. GARCIA: Objection, mischaracterizes  
5 testimony.

6 Q (By Mr. Edwards) Hold on a second. How are you  
7 not making the choice not to get more ice to bring ice  
8 water more often?

9 MR. GARCIA: Objection, argumentative.

10 THE WITNESS: We don't have a way to  
11 produce more ice.

12 Q (By Mr. Edwards) Could you -- you think it's  
13 impossible to get more ice? Do you believe it's  
14 impossible to get more ice currently?

15 A Yes.

16 Q Okay. In 2011, prior to Mr. McCollum entering  
17 the prison, do you believe it was impossible to get  
18 additional ice so that you could bring jugs of water  
19 more often to inmates?

20 A I don't know.

21 Q Okay. Well, then why didn't you bring the jugs  
22 of water filled with ice more often than you did --

23 MR. GARCIA: Objection, assumes facts.

24 MR. EDWARDS: -- back in July of 2011?

25 MR. GARCIA: Objection, speculation.

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1 Assumes facts not in evidence. Mischaracterizes prior  
2 testimony.

3 THE WITNESS: There is nothing that  
4 supports that it wasn't being brought in.

5 Q (By Mr. Edwards) It was brought in a couple of  
6 times a day, right?

7 A It was scheduled three times a day.

8 Q Okay. And you told me look, you could have  
9 brought it more than that if you wanted to, fair?

10 A Water jugs.

11 Q Sure. You could have brought more water and  
12 jugs, correct?

13 A Correct.

14 Q Now my question is couldn't you also have  
15 brought more ice water?

16 MR. GARCIA: And it's asked and answered.  
17 Objection.

18 THE WITNESS: And I have already answered  
19 that.

20 Q (By Mr. Edwards) Which was?

21 A No.

22 Q You couldn't have?

23 A We don't produce enough ice.

24 Q And my question is in July of 2011, is it your  
25 testimony that it would have been impossible to get more

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1 ice to make additional trips with jugs of water full of  
2 ice?

3 A Yes.

4 Q Okay. If you learned that the heat index was  
5 135 degrees, would you do anything differently at the  
6 Hutchins Unit?

7 MR. GARCIA: Objection, incomplete  
8 hypothetical. Asks for speculation.

9 THE WITNESS: No, I wouldn't.

10 Q (By Mr. Edwards) Okay. If you learned that the  
11 heat index was 149 degrees, would that cause you to  
12 pause?

13 MR. GARCIA: Objection, speculation, and  
14 incomplete hypothetical. Vague.

15 THE WITNESS: No, I would not.

16 Q (By Mr. Edwards) So if the logs from the Texas  
17 Department of Criminal Justice for the Hutchins facility  
18 logged temperatures of 135 degrees, 149 degrees,  
19 150 degrees, 112 degrees, 115 degrees. Even in  
20 temperatures that high, apparent temperatures, you  
21 wouldn't run the prison any differently, is that your  
22 testimony?

23 MR. GARCIA: Objection, mischaracterizes  
24 the testimony. Misstates the facts in evidence and  
25 speculation. Answer if you can.

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1 THE WITNESS: I wouldn't do anything  
2 different.

3 Q (By Mr. Edwards) Okay. Do you know that there  
4 are people with hypertension in the Hutchins facility?

5 A I am aware of that.

6 Q And diabetes?

7 A I am aware of that.

8 Q And you are aware that those are conditions  
9 which make you vulnerable to heat, correct?

10 MR. GARCIA: Objection, asked and  
11 answered.

12 THE WITNESS: No, I do not.

13 Q (By Mr. Edwards) You don't know that?

14 A Repeat the question, please?

15 Q Do you know if hypertension or diabetes make  
16 you more vulnerable to the heat than if you don't have  
17 those conditions?

18 A Yes, because I have one of the conditions.

19 Q Okay. Let's start. Hypertension makes you  
20 more vulnerable to the heat, right?

21 A Yes.

22 Q Okay. Diabetes makes you more vulnerable to  
23 the heat, right?

24 A I don't know.

25 Q You received any training to that effect?

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Jeff Pringle  
August 12, 2013

1 STATE OF TEXAS

2 COUNTY OF DALLAS

3 REPORTER'S CERTIFICATE

4 ORAL VIDEOTAPED 30(B)6 DEPOSITION OF JEFF PRINGLE

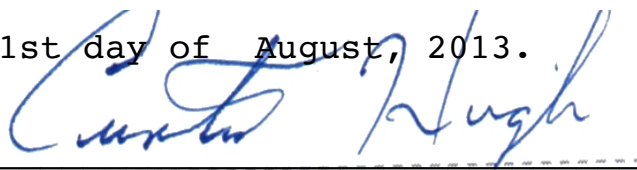
5 August 12th, 2013

6  
7 I, the undersigned Certified Shorthand Reporter  
8 in and for the State of Texas, certify that the facts  
9 stated in the foregoing pages are true and correct.

10 Signature of the witness was not requested by  
11 the witness or any party before the completion of the  
12 deposition.

13 I further certify that I am neither attorney or  
14 counsel for, related to, nor employed by any parties to  
15 the action in which this testimony is taken and,  
16 further, that I am not a relative or employee of any  
17 counsel employed by the parties hereto or financially  
18 interested in the action.

19 SUBSCRIBED AND SWORN TO under my hand and seal  
20 of office on this the 21st day of August, 2013.



21  
22 CURTIS HIGH, CSR NO. 484  
23 Expiration Date: 12/31/14  
24 Wright Watson & Associates  
25 Firm Registration No. 225  
3307 Northland Drive  
Suite 185  
Austin, Texas 78731

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

|                           |   |                  |
|---------------------------|---|------------------|
| STEPHEN McCOLLUM,         | § |                  |
| STEPHANIE KINGREY, and    | § |                  |
| SANDRA McCOLLUM,          | § |                  |
| individually and as heirs | § |                  |
| at law to the Estate of   | § |                  |
| LARRY GENE McCOLLUM,      | § |                  |
| Plaintiffs,               | § |                  |
|                           | § |                  |
| V.                        | § | CIVIL ACTION NO. |
|                           | § | 3:12-CV-2037-L   |
|                           | § |                  |
| BRAD LIVINGSTON, JEFF     | § |                  |
| PRINGLE, and TEXAS        | § |                  |
| DEPARTMENT OF CRIMINAL    | § |                  |
| JUSTICE,                  | § |                  |
| Defendants.               | § |                  |

\*\*\*\*\*  
ORAL DEPOSITION OF  
JEFFERY PRINGLE  
FEBRUARY 15, 2013  
\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF JEFFERY  
PRINGLE, produced as a witness at the instance of the  
PLAINTIFFS, and duly sworn, was taken in the  
above-styled and numbered cause on the 15TH of FEBRUARY  
2013, from 9:51 a.m. to 4:48 p.m., before Suzanne Villa,  
Certified Shorthand Reporter in and for the State of  
Texas, reported by machine shorthand, at the Office of  
the Attorney General, 300 W. 15th Street, 7th Floor,  
Austin, Texas, pursuant to the Federal Rules of Civil  
Procedure and the provisions stated on the record or  
attached hereto.

Stephen McCollum, et al v.  
Brad Livingston, et al.

Jeffery Pringle  
February 15, 2013

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Michael Ritter  
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1 THE VIDEOGRAPHER: Today is February 15th,  
2 2013. The time is 9:51.

3 Will the reporter please swear in the  
4 witness.

5 JEFFERY PRINGLE,  
6 having been first duly sworn, testified as follows:

7 EXAMINATION

8 BY MR. EDWARDS:

9 Q Good morning. Would you kindly state your name  
10 for the record?

11 A My birth name is Jeffery Pringle.

12 Q Okay. And what is your job currently, sir?

13 A I'm considered -- job title is Warden of the  
14 Hutchins State Jail.

15 Q Okay. And at the time that Larry Gene McCollum  
16 was in the Hutchins Unit, were you the acting warden?

17 A I was the highest-ranking administrator for  
18 security on that facility.

19 Q Okay. And when you say "highest-ranking  
20 administrator," does that mean kind of colloquially you  
21 run the show at the Hutchins Unit? Is that fair?

22 A I make all the security decisions for the  
23 facility and the safety of the offenders and staff.

24 Q Okay. Before we get started, I want to thank  
25 you for your flexibility in coming down to Austin,

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1 of the practice at that time.

2 Q What is the protocol when a correctional  
3 officer comes upon someone they believe is in the midst  
4 of a medical emergency?

5 MR. GARCIA: I'll object to the extent of  
6 speculation and vague as to "medical emergency."

7 Q (BY MR. EDWARDS) Do you understand what I mean  
8 when I say "medical emergency?"

9 A Not necessarily, no.

10 Q Okay. What do you -- what do you -- okay.

11 Well, when I'm using the word "medical  
12 emergency," I mean, correctional officer doesn't know  
13 what's going on and they need immediate medical  
14 attention. Okay?

15 A That's a very open-ended comment. And in those  
16 cases, they probably would not call for an ambulance  
17 just because on offender needs medical attention.

18 Q Immediate medical attention.

19 A Immediate medical attention they wouldn't call.

20 Q Who would they call?

21 A They would call their shift supervisor.

22 Q And what would the shift supervisor do? And  
23 that's the lieutenant?

24 A That would be the sergeant or the lieutenant.

25 Q Okay. Would you agree with me that that delays

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1 getting an ambulance into the facility?

2 A Not necessarily.

3 Q How could it not delay getting an ambulance in  
4 the facility?

5 A Because not all situations require an ambulance  
6 to be called.

7 Q Okay. Do your lieutenants or sergeants have  
8 more medical training than correctional officers?

9 A No.

10 Q Okay. Do you consider a person going through  
11 convulsions, seizing, nonresponsive and unable to  
12 communicate, the type of situation where an ambulance  
13 needs to be called?

14 A No, I do not.

15 Q Why not?

16 A Because as long as he's got an airway, he's  
17 breathing and circulation, and there's not a life of  
18 limbs, then it's triage by first aid for the first  
19 responders on the facility.

20 Q Okay. Explain that. As long as he's got an  
21 airway and he's breathing, and he's got life or limb,  
22 the policy of the Hutchins Unit is to contact the  
23 offsite medical? Is that --

24 MR. GARCIA: Objection.

25 Q (BY MR. EDWARDS) Is that your testimony?

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1 MR. GARCIA: Objection. That  
2 mischaracterizes his testimony. He never said it was  
3 his policy. You asked me him about a hypothetical, he  
4 gave an answer; not the policy of the Hutchins Unit.

5 MR. EDWARDS: Okay.

6 Q (BY MR. EDWARDS) You run the Hutchins Unit.  
7 Right, sir?

8 A I'm the highest-ranking security supervisor.

9 Q Okay. You -- I'm asking you personally if you  
10 consider medical emergencies. Okay? You personally.

11 You told me if an airway is open and  
12 breathing, and there's some -- something about life and  
13 limb being okay, I guess, then you wouldn't consider it  
14 a medical emergency. Is that what you told me? Because  
15 I -- I want to understand your testimony.

16 A No. You left out two other factors.

17 Q What were the two other factors?

18 A Airway's open.

19 Q Okay.

20 A He has circulation and you have visual  
21 breathing. And then it would be based upon loss of limb  
22 or the trauma.

23 Q What does that mean, "or the trauma"?

24 A You have visual -- you're able to visualize  
25 extent of injury.

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1 Q Able to visualize the extent of injury?

2 A A blunt, a loss of limb, the extent, whether  
3 it's a -- there or not.

4 Q So if a man had his arm cut off, would that be  
5 a medical emergency?

6 A Yes, it would.

7 Q Okay. In that situation would you expect a  
8 correctional officer to radio for an ambulance right  
9 away?

10 A Yes, I would.

11 Q Okay. What do you mean by "circulation"?

12 A During the first responder's training, you  
13 check for pulse.

14 Q That's what you mean, has a pulse?

15 A Circulation, yes, pulse.

16 Q Okay. What the airway open to me means  
17 breathing. Does it mean something different to you?

18 A It would mean that he's able to take a breath  
19 and there's nothing obstructing his ability to breathe.

20 Q He's not choking?

21 A Correct.

22 Q Okay. And there's not -- there's not a piece  
23 of food in there. There's not a piece of paper, a wrap,  
24 whatever. There's not something obstructing his airway.

25 A Correct.

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1 Q Okay. So if someone doesn't have a pulse, you  
2 would expect the correctional officer to immediately  
3 contact an ambulance?

4 A They would not have the ability to personally  
5 contact them.

6 Q How does that happen then? How does an  
7 ambulance get into the facility?

8 A In a situation where they know that -- that one  
9 of those issues that we've discussed have been  
10 identified, they would go ahead and call on the radio  
11 that they would need a supervisor, the individual has no  
12 pulse, airway is blocked or there's loss of limb, and it  
13 requires the immediate attention of an ambulance.

14 Q And then what would hap- -- or what should  
15 happen?

16 A Then the radio transmission is identified  
17 through -- through the supervisors and through central  
18 control.

19 Q And then what happens?

20 A They would verify the information, such as a  
21 repeating system, supervisor would radio at that time  
22 and reconfirm that the officer in central patrol is  
23 approved to call 911.

24 Q Help me out with that. What do you mean when  
25 you say "repeating system"?

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1       A       We use a Instant Command System, which is a  
2 national system that's set up with all -- most  
3 government agencies and law enforcement. So once the  
4 officer comes on the radio and identifies who they are,  
5 location, a situation, then another radio that receives  
6 the transmission will repeat the information. So that  
7 way staff on the unit are aware of where it's at and who  
8 needs to respond and a type of a level of response.

9       Q       Okay. So I'm -- well, let me give you this  
10 situa- -- well, it meets your definition of medical  
11 emergency. It's radioed in that there's an immediate  
12 need for help. What -- to -- that gets radioed to a  
13 sergeant or a lieutenant or does everybody hear it on  
14 the radio?

15       A       Everybody would hear it on the radio.

16       Q       Okay. And then so the lieutenant would run it  
17 through the system?

18       A       I'm not familiar with what you're asking.

19       Q       Yeah. I'm just trying to -- I'm just trying to  
20 figure out the whole process from somebody concludes  
21 there's a medical emergency, to getting an ambulance  
22 into the Hutchins Unit. Walk me through that because I  
23 need to understand that process.

24       A       Once the situation's been repeated and it's  
25 verified a second time -- the first time's the officer,

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1 not responding?

2 MR. GARCIA: Objection.

3 Q (BY MR. EDWARDS) Does that change your  
4 opinion?

5 MR. GARCIA: Speculation.

6 A Ten minutes, no, I would not call.

7 Q (BY MR. EDWARDS) Okay. Twenty minutes?

8 MR. GARCIA: Objection; speculation.

9 A I would have to be there at the scene, assess  
10 the surrounding, whether he's in any life-threatening  
11 danger and whether or not he's harmed himself while he's  
12 having convulsions.

13 Q Now, how would you know if he's in  
14 life-threatening danger being a warden and not a doctor?

15 A Because he's breathing and he has circulation.  
16 He has no blunt trauma and he has no loss of limbs.

17 Q And you think that means categorically that a  
18 person isn't in it a life-threatening state?

19 MR. GARCIA: Objection; speculation.

20 A Based on -- I would have to be there during the  
21 incident. I would have to do the assessment. And then  
22 from there based upon my first-aid training, I would  
23 make that decision at that time.

24 Q (BY MR. EDWARDS) Okay. What about an hour of  
25 not responding?

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1 Q Okay. We'll get back to that in a second.

2 But the people who do the prison rape  
3 elimination, is that somebody under your direct control,  
4 a TDCJ employee or no?

5 A It would be a sergeant or correctional officer.

6 Q With TDCJ. Fair?

7 A Yes.

8 Q Okay. Same with the gang tattoos?

9 A Yes.

10 Q Okay. Is it your understanding that a prisoner  
11 receives an intake physical the day they arrive at the  
12 Hutchins Unit Jail -- or Prison?

13 A I do not know that they receive an intake  
14 physical upon arrival, no.

15 Q Do you know if they're supposed to?

16 A Upon arrival, no. The intake procedures are  
17 within the first ten days, usually.

18 Q Who decides that practice or policy?

19 A I do not know.

20 Q Is it you?

21 A No, it is not me.

22 Q Okay. Do you know if -- I mean, do you know  
23 when inmates have had inmate physicals completed?

24 A We would know that a physical's completed  
25 because he's usually ready for classification, which is

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1       A       I've described the intake receiving and the  
2 duties that they do there. During that intake  
3 receiving, also the offenders are given showers,  
4 haircuts. If they're identified with any injuries, we  
5 would take pictures and document it. So that way we can  
6 show they came in from the county with them. From that  
7 point, they're housed in the facility and then they go  
8 through an intake processing; and intake processing  
9 consists of EA testing to determine their education  
10 level. They would receive a photo, fingerprints. They  
11 would receive a intake interview.

12       Q       With whom?

13       A       With the intake processing staff.

14       Q       Is that your staff or is that...

15       A       That's TDCJ staff.

16       Q       Okay. Do you know if Mr. McCollum received an  
17 intake processing interview?

18       A       I do not know.

19       Q       Okay. Should he have?

20       A       I do not know where they were at in the  
21 processing days or procedures.

22       Q       Okay. With regards to the intake processing,  
23 would that include medical issues?

24       A       The medical would do their evaluation within  
25 the first ten days, which would be part of the

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1 processing.

2 Q Okay. Would you do -- would TDCJ do its intake  
3 processing before medical completed it's intake  
4 physical?

5 A It's kind of a dual schedule based upon  
6 different days on different locations they go to.

7 Q Help me out. Elaborate a little bit more on  
8 that, please.

9 A Depending on the number of offenders that came  
10 in on what day, the intake processing staff may get the  
11 offenders from a specific county that came in on a  
12 specific day, and the medical staff would get a  
13 different group that came in together on a different  
14 day. And at times, they've been known to switch out  
15 days within that ten-day process.

16 Q Okay. Who makes the decision like whether a  
17 particular type of drug is permitted at the Hutchins  
18 Unit? Would that be UTMB or would that be TDCJ?

19 A I do not know.

20 Q Okay. Do you have any role in whether or not  
21 medications are allowed at the Hutchins Unit?

22 A I have limited role based upon whether the  
23 offender does a KOP, keep on person, or whether he goes  
24 to the window.

25 Q Okay. What exactly does that mean?

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1 so it's not something that I would have to recall based  
2 on the policies or the form.

3 Q As the senior-most ranking official at the  
4 Hutchins Unit, isn't it your responsibility to know  
5 that?

6 A No, it's not.

7 Q Okay. Do you know if cups were issued to  
8 inmates upon arrival at the Hutchins Unit?

9 A During the 2011, cups were not issued and  
10 they're not on the item to be issued list.

11 Q Do you agree with me that a cup is an important  
12 part of assisting someone to drink water?

13 A In that terminology to obtain water, yes.

14 Q Okay. You knew in July 2011, that many inmates  
15 suffered from hypertension, correct, at the Hutchins  
16 Unit?

17 A No, I did not know that.

18 Q Should you have known that?

19 A No, I should not.

20 Q Tell me why.

21 A Because that's a medical process that the  
22 offender would go through medical for his medical needs  
23 and it's not available to correctional staff.

24 Q And the choice to not make it available to  
25 correctional staff, again, is whose?

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1 MR. GARCIA: That doesn't make  
2 Mr. McCollum diabetic.

3 MR. EDWARDS: Good point.

4 MR. MEDLOCK: It's personal history.

5 MR. GARCIA: It's family history above it,  
6 where diabetes is circled.

7 Q (BY MR. EDWARDS) Do you know whether or not  
8 Mr. McCollum was diabetic?

9 A I do not know.

10 Q If you learned throughout this litigation that  
11 Mr. McCollum was, in fact, diabetic and wasn't treated  
12 for it, what steps would you take after the fact now  
13 that Mr. McCollum is dead, if any?

14 A It would be the same steps I would take as  
15 mentioned before. I would call the medical, have them  
16 either verify it, find out if he's following doctor's  
17 orders, and then whether or not it's an issue of him  
18 getting to medical or if it's just his choice for not  
19 following doctor's orders.

20 Q Okay. When are -- when are prisoners first  
21 allowed to go to commissary, sir?

22 A Offenders that are newly arrived or offenders  
23 that are transferred in?

24 Q Well, what type of offender was Mr. McCollum?

25 A He was a intake, newly received from county.

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1 Q Was he in the state jail system or the  
2 institutional division?

3 A He would have been state jail system.

4 Q Okay. How long would it take him to get access  
5 to the commissary?

6 A Those days are different for different  
7 offenders.

8 Q What would your expectation be, sir?

9 A Within 30 to 45 days.

10 Q Thirty to 45 days.

11 So is that -- does that mean that  
12 Mr. McCollum would not have the ability to buy a cup for  
13 30 to 45 days at the Hutchins Unit?

14 A That would be true.

15 Q Do you see any problems with that in the summer  
16 when it's extremely hot?

17 A Offenders have to have money on the commissary  
18 account before they can go and buy a cup.

19 MR. EDWARDS: Let me object as  
20 nonresponsive.

21 Q (BY MR. EDWARDS) Do you see any problems with  
22 delaying 30 to 45 days a prisoner's ability to buy a cup  
23 in the extremely hot summer months?

24 A I do not see a problem with it.

25 Q You don't think it would be harder for that

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1 there blind spots in the C7 dorm?

2 A Yes, there would be.

3 Q Okay. Are there blind spots in all of the  
4 dorms?

5 A All the dorm housings on the unit do have those  
6 same general blind spots.

7 Q Okay. Do you find that to be less than  
8 optimal?

9 A No, I do not.

10 Q You don't find that that might endanger  
11 inmates?

12 A No, I do not.

13 Q Have there been any rapes in the dorms at the  
14 Hutchins Unit in the last five years?

15 A Not to my knowledge.

16 Q Have there been any fights in the dorms at the  
17 Hutchins Unit in the last five years?

18 A Yes, there have been fights.

19 Q Do the fights tend to happen in the blind  
20 spots?

21 A They do at times.

22 Q Do you see any problems with having blind spots  
23 in the dorms, sir?

24 A No, I do not.

25 Q Okay. All right. Does the dorm have -- oh,

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1 how many men are in each dorm? Like in C7, how many men  
2 are in there?

3 A This particular dorm, I do not know how many  
4 men are in there in, but there are 58 bunks.

5 Q Okay. So up to 58 people?

6 A Yes.

7 Q Okay. Are there windows in the C7 dorm?

8 A Yes, there will be windows in the dorm.

9 Q Will you show me where the windows are?

10 A (Complies).

11 Q And would you just label them "W" so we know  
12 what you're doing.

13 A (Complies).

14 Q Thank you.

15 Are they open?

16 A These windows do not open.

17 Q Are they sealed shut?

18 A They are by design sealed shut.

19 Q Why are they by design sealed shut?

20 A I do not know.

21 Q Have you ever asked anyone if you could open  
22 them?

23 A I have not.

24 Q Do you believe that if you opened them it would  
25 increase airflow into C7?

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1 Q Okay. Do you know who you would begin the  
2 pro- -- if you decided, hey, we need to get fans in  
3 here, it's just too hot in here during the summer, who  
4 would you contact?

5 A I do not have a procedure that says here's how  
6 you contact. But it would involve several entities.  
7 One would be Mr. Eason, facilities divisions, risk  
8 management.

9 Q Giving prisoners fans would enable them to cool  
10 off a little bit. Is that true?

11 A No, it's not.

12 Q Tell me why that's not true?

13 A Because you're pushing the same heat index or  
14 the same heat that you would have inside the housing  
15 area.

16 Q Okay. So even giving fans in a really hot area  
17 would just be blowing more hot air on people?

18 A From my perception, yes.

19 Q Okay. Is there air-conditioning in the C7  
20 unit?

21 A C7, no air-conditioning.

22 Q Are there air handlers or anything like that or  
23 fans?

24 A There are air handlers which produce outside  
25 air, and then there are large mounted fans.

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1 Q I guess the outside air coming in is pretty  
2 hot?

3 A It would be whatever the outside temperature  
4 is.

5 Q So if it's 115 outside -- if it's 115 outside,  
6 it's 115 coming inside?

7 A That would be the air, possibly.

8 Q Okay. These fans, I guess, they also would  
9 blow hot air around?

10 A The ones mounted or --

11 Q Yeah, the ones mounted.

12 A Yes, they would circulate the air within the  
13 dorm.

14 Q Okay. Do you know if that fan -- those fans  
15 were working back in July of 2011?

16 A I do not have firsthand knowledge.

17 Q Okay. Do you know if they've ever been broken?

18 A Those particular fans for that housing area, I  
19 do not if they've been broken.

20 Q When a fan in a unit breaks, what's the --  
21 well, how long does it usually take to get fixed?

22 A Those particular fans, the time frames could  
23 always vary.

24 Q Could it be more than a month?

25 A Could it be?

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1 A We've been told there's a nurse that takes  
2 those calls.

3 Q Okay. Who told you that?

4 A It have been Ms. Gilford or Ms. Brady.

5 Q So if there's an emergency medical need, what  
6 happens if it's after hours, as a general manner?

7 A What would be the definition of a emergency  
8 medical need?

9 Q What's your definition of emergency medical  
10 need, sir?

11 A From my experience, being a first responder, if  
12 I arrive on the scene and the airway's blocked or if  
13 there's no circulation and they're not breathing, then  
14 that would be a medical emergency.

15 Q Okay. Do you believe that there could be  
16 medical emergencies where an inmate is still breathing?

17 A Yes.

18 Q Okay. And doesn't have his arm chopped off or  
19 anything like that?

20 A No.

21 Q Okay. What about a situation where a person's  
22 sweating profusely and having chest pains but is capable  
23 of responding and having a conversation with you. In  
24 that situation, would you expect your staff to consider  
25 that a medical emergency?

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1 A No.

2 Q What training, if any, do you make sure that  
3 your people at the Hutchins Unit get relating to  
4 recognizing medical emergencies?

5 A You repeat the question, please?

6 Q What training, if any, do you make sure your  
7 people at the Hutchins Unit get relating to recognizing  
8 emergency conditions?

9 A I don't make sure the training gets done.

10 Q Who does?

11 A The training is sent out through training  
12 department and risk management and --

13 Q Who runs the --

14 A -- UTMB.

15 Q Sorry. Who runs the training department at  
16 TDCJ?

17 A The training director would be Mr. Morales.

18 Q Do you know his first name?

19 A No, I do not.

20 Q You mentioned the risk management division.  
21 Who runs the risk management division at -- at TDCJ?

22 A I do not know.

23 Q Do you believe that your understanding of  
24 medical emergency is consistent with risk management's?

25 MR. GARCIA: If you know.

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1 chow time so that people could drink more water?

2 A No, there was not.

3 Q Should there have been?

4 A No.

5 (Deposition Exhibit No. 28 marked)

6 Q (BY MR. EDWARDS) Would you take a look at  
7 what's been marked as Exhibit 20 --

8 THE REPORTER: Eight.

9 Q (BY MR. EDWARDS) Eight. Those appear to be  
10 the temperature logs for July 15th until July 22nd.

11 A Correct.

12 Q Okay. Now I believe there's been testimony in  
13 this case, I want to make sure that it's accurate, that  
14 these temperature readings are taken every day from  
15 6:30 a.m. till 6:30 p.m.

16 A Correct.

17 Q Okay. Are you aware that it was extremely  
18 hot -- or strike that.

19 Back in the summer of July 2011, were you  
20 aware that it was extremely hot in Texas and  
21 particularly the Dallas area was experiencing a heat  
22 wave?

23 A I was aware of temperatures that are identified  
24 on the documents.

25 Q Gotcha. Okay.

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1                   How were you made aware of the  
2 temperatures identified on the documents?

3           A       The officer that's taking the temperatures will  
4 do a radio call.

5           Q       Okay. How does that -- how does that work,  
6 sir?

7           A       For instance, on the first page, whenever he  
8 would use a graph chart -- I don't see it here -- and if  
9 the graph chart went into a specific section, then he  
10 would radio either extreme conditions or the identifiers  
11 that go along with that condition so all staff would  
12 know.

13          Q       Okay. Would the actual temperature be read  
14 aloud?

15          A       I don't recall if the temperatures were read  
16 aloud by the staff member or not.

17          Q       There's been testimony in this case that the  
18 temperatures were read aloud. Do you have any reason to  
19 dispute that?

20          A       No, I do not.

21          Q       Okay. So assuming that that testimony's  
22 correct, that the temperatures were read aloud, your  
23 understanding is it's also -- the officer's also  
24 supposed to note whether or not it's an extreme risk of  
25 heat?

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1 A I don't ever recall Texas being 149 degrees.

2 Q Okay. Do you ever recall the heat index being  
3 149 degrees?

4 A I do not recall that.

5 Q Okay. It's on this piece of paper. Right?

6 A I do see the heat index.

7 Q Okay. Was this ever brought to your attention?

8 A The document?

9 Q Or the heat index, sir, I mean...

10 A No, not this particular heat index; no.

11 Q Those numbers mean that heatstroke is imminent.  
12 Right?

13 MR. GARCIA: Objection; speculation.

14 Q (BY MR. EDWARDS) According to your heat  
15 matrix, those numbers indicate that heatstroke is  
16 imminent. Correct?

17 A Correct.

18 Q Is imminent heatstroke the type of condition in  
19 a jail that endangers inmates?

20 A Not necessarily.

21 Q Do you think that type of attitude provides  
22 adequate protection for inmates from extreme heat  
23 conditions, sir?

24 MR. GARCIA: Objection; argumentative.

25 A The matrix provides a guideline and identifies

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1 A Yes, I did.

2 Q Did risk management talk to you about the  
3 dangers associated with working in those conditions?

4 A I don't recall them personally talking to me  
5 about that, no.

6 Q Was you -- did your office feel about as hot as  
7 it was outside?

8 A Yes, it did.

9 Q Do you recall if this was before or after  
10 Mr. McCollum's death?

11 A I don't recall.

12 Q Would you take a look at the log for July 21st,  
13 2011?

14 A Yes.

15 Q Okay. Would you agree with me that the outside  
16 air temperature was between 103 and 107 degrees during  
17 the hours of 1:30 and 6:30 p.m.?

18 A Yes.

19 Q Would you agree that the heat index rose to  
20 somewhere between 114 and 118 during that time period?

21 A Yes.

22 Q You probably were aware of that, sir?

23 A Not of the actual numbers, no.

24 Q You were just aware that there was the  
25 potential for heatstroke?

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1 MR. GARCIA: Objection; speculation.

2 A I don't recall what I would have been made  
3 aware of at that time.

4 Q (BY MR. EDWARDS) You were aware that those  
5 were extreme heat conditions?

6 A Yes.

7 Q Okay. And then look at 7/22/11. Would you  
8 agree that from 1:30 in the afternoon until 6:30 in the  
9 afternoon, the temperature varied from 101 to 104?

10 A Yes.

11 Q That the heat index was somewhere between 110  
12 and 113?

13 A Yes.

14 Q You would have been aware that those  
15 constituted extreme heat conditions, sir?

16 A Yes.

17 Q Has anybody at the Hutchins facility looked  
18 into whether or not it would be possible to get  
19 air-conditioning in the dorms?

20 A No, I do not know.

21 Q Well, have you?

22 A Have I questioned --

23 Q Have you made a phone call and said, hey, can  
24 we get air-conditioning in the dorms for the prisoners?

25 A This incident would have been general knowledge

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1 A Yes.

2 Q That just means drink a lot of water. Right?

3 A Uh-huh.

4 Q Okay. And you were told and all of your

5 employees were told during this training that these

6 symptoms we talked about of heat exhaustion can progress

7 to heat collapse and heatstroke if they're not treated.

8 Right?

9 A Yes.

10 Q Okay. They need to be treated right away.

11 Right?

12 A Yes.

13 Q Okay. If you don't treat them right away, heat

14 exhaustion or, you know, heat illness can turn into, you

15 know, a potentially deadly condition. Right?

16 A I believe it could.

17 Q Yeah. People can die from heatstroke. Right?

18 A I assume, yes.

19 Q Mr. McCollum did. We know that. Right?

20 A Based on the forensic documents that we have.

21 Q Right. Well, and it was your understanding in

22 July of 2011, that people who were suffering from heat

23 illness, who went untreated or went without quick

24 treatment could potentially die. You knew that. Right?

25 A I don't know of any people that suffered that

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1 A To alert us of the present danger, yes.

2 Q Okay. Okay. So I want to go through that list  
3 and if I've written it down incorrectly, please make  
4 sure you tell me. Okay?

5 We talked about the heat awareness  
6 training that y'all received. Right?

7 A Correct.

8 Q Okay. And then I wrote down "heatstroke." And  
9 I believe you -- I believe we may have just talked about  
10 that. But during this training, it was explained to you  
11 that, look, if not treated, this can lead to heatstroke  
12 which can lead to death. Is that correct?

13 A Correct.

14 Q And so accommodations that you made for  
15 individuals were lowering the temperatures of water in  
16 the showers?

17 A Correct.

18 Q Okay. What did you lower them to?

19 A The showers that I took temperature checks on  
20 were, approximately, about 95 degrees.

21 Q What were they before?

22 A Policy requires them to stay around 107.

23 Q Do you know why the number 95 was chosen?

24 A The 95 would have been just chosen because of  
25 the way the shower mixing valve and adjustments are

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1 storage sometimes?

2 A There are a couple that are used for storage.

3 Q Okay. So is it possible that the C building  
4 multipurpose room was used partly for storage?

5 A I do not know.

6 Q Okay. Is it possible?

7 A It could have been possible.

8 Q Okay. Do you have any knowledge as to whether  
9 or not Larry McCollum was told that if he was  
10 struggling, he could go to one of these areas?

11 A No, I do not personally know.

12 Q Do you believe that Larry McCollum should have  
13 been told that by correctional officers at your  
14 facility, sir?

15 A No, I do not.

16 Q Do you agree an important part of an  
17 accommodation is making sure that people know the  
18 accommodation exists?

19 A That is done at this present time when the  
20 offenders arrive.

21 Q At the present time now, now that we're in  
22 2013, you make sure to tell people that they have access  
23 to these air-conditioned areas?

24 A Yes. Because they've shown that they may not  
25 have the abilities or take the responsibility that they

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1 should to be able to obtain those facilities. So we've  
2 taken advantage and are letting them know at the time of  
3 receiving.

4 Q You've take the initiative to make sure, look,  
5 you know that this is available. Right?

6 A Yes. I put it to my staff.

7 Q Okay. When did you do that?

8 A That would have occurred probably August of  
9 2011.

10 Q After Mr. McCollum's death.

11 A Correct.

12 Q Okay. After Mr. McCollum's death, did you guys  
13 review the way you were doing things?

14 A Yes, we did.

15 Q Okay. Do you make some changes?

16 A There were a few changes.

17 Q What changes did you make in addition to  
18 actually telling inmates about the ability to go to  
19 air-conditioned areas?

20 A Even though inmates had not taken upon  
21 themselves to identify issues and we did not identify  
22 them, we put five cone cups in their receiving bag. We  
23 ensure that cone cups are available in the pickets  
24 during the heat, June, July and August times. And we've  
25 added a third fan to the walls. And during the summer

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1 Q You don't believe getting him to the hospital  
2 more quickly would have made a difference?

3 A I do not.

4 Q Do you have any sort of medical basis for  
5 making that statement?

6 A No, I do not have medical basis.

7 Q You don't think if he had been on a heat list  
8 and watched every 30 minutes that this situation could  
9 have been avoided?

10 MR. GARCIA: Objection; speculation.

11 A During that time, there was not a heat list.  
12 The heat list came after the death.

13 Q (BY MR. EDWARDS) Right. So you write that the  
14 unit has also began dorm checks of offenders who appear  
15 on the extreme temperature list?

16 A Correct.

17 Q That's something that came into being after  
18 Mr. McCollum's death?

19 A The extreme temperature work restriction list  
20 has always been there.

21 Q Okay. Was Mr. McCollum on that list?

22 A No, he was not.

23 Q Would you tell the jury why he wasn't?

24 A I would only be speculating why he wasn't  
25 because that's a list that's generated by UTMB.

**WRIGHT WATSON & ASSOCIATES**

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Stephen McCollum, et al v.  
Brad Livingston, et al.

Jeffery Pringle  
February 15, 2013

1 air-conditioning?

2 A Yes, they are.

3 Q Okay. The armory. Do you have an armory at  
4 the Hutchins Unit?

5 A Yes, we do.

6 Q Okay. Is that air-conditioned?

7 A It's on the same system as ministration [sic].

8 Q Okay. Do you know why the armory would be  
9 air-conditioned?

10 A Because of gun powder and chemicals need to be  
11 kept at a cooler temperature.

12 Q Okay. Or they get ruined?

13 A They would get ruined, yes.

14 Q Do you know at what temperature they get  
15 ruined, gun powder and the chemicals you're talking  
16 about?

17 A The policy just says it has to be kept, I  
18 believe, somewhere around 72 or 78 degrees below.

19 Q Okay.

20 A And it controls the humidity in that area.

21 Q Okay. What about rooms with -- are there rooms  
22 where you keep paper files, are those kept in the  
23 administrative offices?

24 A We have security administrative offices.

25 Q Are those air-conditioned?

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Jeffery Pringle  
February 15, 2013

Stephen McCollum, et al v.  
Brad Livingston, et al.

Jeffery Pringle  
February 15, 2013

1 return to MR. JEFF EDWARDS by \_\_\_\_\_, 2013;

2 That the amount of time used by each party at  
3 the deposition is as follows:

4 MR. JEFF EDWARDS - 5 HRS. 5 MINS.  
5 MR. BRUCE R. GARCIA - NO TIME

6 That pursuant to information given to the  
7 deposition officer at the time said testimony was taken,  
8 the following includes all parties of record:

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26 That \$\_\_\_\_\_ is the deposition officer's  
27 charges to the PLAINTIFFS for preparing the original  
28 deposition transcript and any copies of exhibits;

29 I further certify that I am neither counsel

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Stephen McCollum, et al v.  
Brad Livingston, et al.

Jeffery Pringle  
February 15, 2013

1 for, related to, nor employed by any of the parties or  
2 attorneys in the action in which this proceeding was  
3 taken, and further that I am not financially or  
4 otherwise interested in the outcome of the action.

5 Certified to by me this \_\_\_\_\_ day  
6 of \_\_\_\_\_, 2013.

7  
8  
9  
10 

11 SUZANNE VILLA, Texas CSR No. 8323  
12 Expiration Date: 12-31-14  
13 WRIGHT WATSON & ASSOCIATES  
14 Registration No. 225  
15 Expiration Date: 12-31-13  
3307 Northland Drive  
Suite 185  
Austin, Texas 78731-4946  
(512) 474-4363

16 JOB NO. 130215SV  
17  
18  
19  
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Plaintiffs' MSJ Appx. 6803





Dean Rieger, M.D. - 5/23/2016

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

|                           |   |                   |
|---------------------------|---|-------------------|
| KEITH COLE, JACKIE        | § |                   |
| BRANNUM, RICHARD KING,    | § |                   |
| DEAN ANTHONY MOJICA, RAY  | § |                   |
| WILSON, FRED WALLACE, AND | § |                   |
| MARVIN RAY YATES,         | § |                   |
| individually and on       | § | CIVIL ACTION      |
| behalf of those similarly | § |                   |
| situated,                 | § | NO.: 4:14-cv-1698 |
|                           | § |                   |
| Plaintiffs,               | § |                   |
|                           | § |                   |
| VS.                       | § |                   |
|                           | § |                   |
| BRAD LIVINGSTON, in his   | § |                   |
| official capacity,        | § |                   |
| ROBERTO HERRERA, in his   | § |                   |
| official capacity, and    | § |                   |
| TEXAS DEPARTMENT OF       | § |                   |
| CRIMINAL JUSTICE,         | § |                   |
|                           | § |                   |
| Defendants.               | § |                   |

\*\*\*\*\*

ORAL DEPOSITION OF  
  
DEAN RIEGER, M.D.  
  
MAY 23, 2016

\*\*\*\*\*

Dean Rieger, M.D. - 5/23/2016

1 ORAL DEPOSITION OF DEAN RIEGER, M.D., produced  
2 as a witness at the instance of the Plaintiffs, and duly  
3 sworn, was taken in the above-styled and numbered cause  
4 on the 23rd day of May, 2016, from 10:10 a.m. to  
5 6:37 p.m., before Becky Landers, CSR, RPR and CRR in and  
6 for the States of Texas and California, reported by  
7 machine shorthand, at the Office of the Attorney  
8 General, 300 West 15th Street, Seventh Floor, pursuant  
9 to the Federal Rules of Civil Procedure and the  
10 provisions stated on the record or attached hereto.

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4653dfdd-8546-44c2-bb3b-62c8ca61921c

Plaintiffs' MSJ Appx. 6806

Dean Rieger, M.D. - 5/23/2016

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Dean Rieger, M.D. - 5/23/2016

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25

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Plaintiffs' MSJ Appx. 6808

Dean Rieger, M.D. - 5/23/2016

1 Q. Congratulations.

2 A. Thank you.

3 Q. So what is your income now that you've  
4 retired?

5 A. We'll see. I'm not -- my wife and I have been  
6 lucky enough that if we have no income we'll be fine.

7 Q. Are you deriving income from expert witness  
8 services?

9 A. Yes.

10 Q. Prior to retirement was the money from the  
11 Texas Department of Criminal Justice for this case going  
12 to you personally, Dr. Rieger?

13 Is it "Reeger" or "Ryeger," first of all?

14 A. "Reeger."

15 Q. "Reeger," sorry.

16 The money that they were paying you from  
17 TDJC prior to your retirement, was that going directly  
18 to you or to Correct Care?

19 A. To me.

20 Q. And I trust it will continue to go to you as  
21 you work on this case?

22 A. Yes.

23 Q. Have you been retained in any other cases  
24 involving injuries related to the heat in the Texas  
25 prison system?

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Plaintiffs' MSJ Appx. 6809

Dean Rieger, M.D. - 5/23/2016

1 A. Yes.

2 Q. What other cases have you been retained in,  
3 sir?

4 A. McCollum.

5 Q. Are you a consulting expert in the McCollum  
6 case?

7 A. I am not familiar with the term "consulting  
8 expert," so I don't know how to answer that.

9 Q. You're not a testifying expert in the McCollum  
10 case, so are you providing consulting expert services?

11 A. I will provide the expert services that the  
12 TDCJ requests.

13 Q. Okay. Other than the McCollum case, have you  
14 been retained in any of the other plethora of  
15 health-related injury cases against the Texas prison  
16 system?

17 A. Not to this point.

18 Q. Has anyone spoken to you about being retained  
19 in any of the other cases?

20 A. Not to this point.

21 Q. Are you aware of any of the other cases?

22 A. I think I am now.

23 Q. Oh, before I kind of flippantly mentioned it  
24 you weren't aware of them?

25 A. I don't know if any other cases have been

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Dean Rieger, M.D. - 5/23/2016

1 Q. Could I see it for one second? And I don't --  
2 I just don't have it here. Looks like we've got deaths  
3 from 1998 until 2012. Would you take us -- and when I  
4 say "deaths" I mean hyperthermia deaths --

5 A. Okay.

6 Q. -- for documented heat stroke deaths.

7 A. Yes. That's -- that's what this looks like.

8 Q. How many deaths on that -- are there on that  
9 chart that occurred before 2011?

10 A. Before 2011?

11 Q. Yeah.

12 A. Eight.

13 Q. That's a pretty high number, right?

14 MR. BOYD: Objection, vague.

15 A. I would say it's a significant number.

16 Q. (By Mr. Edwards) That's a much better way of  
17 saying it.

18 You would agree that that's a significant  
19 number of deaths, right?

20 A. Yes.

21 Q. And you would agree that in light of that  
22 number of deaths the policies and procedures and the  
23 practices ought to be investigated to determine whether  
24 or not they're really working?

25 MR. BOYD: Objection, incomplete

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Dean Rieger, M.D. - 5/23/2016

1 hypothetical.

2 A. Yes, I would. I think "investigate" is the  
3 wrong term. I think I would use the word "reviewed,"  
4 but --

5 Q. (By Mr. Edwards) Review, evaluate it?

6 A. Yes.

7 Q. Okay. Now, do you know -- now I want to ask  
8 you, count them all up. Include the summer of 2011 and  
9 2012.

10 A. I'm going to count them again.

11 Q. Thank you.

12 A. 20.

13 Q. That also would be a very significant number  
14 of deaths, right?

15 A. Yes.

16 Q. Do you know if an outside study was ever  
17 ordered by TDCJ prior to being sued about the high --  
18 the significant number of heat stroke deaths in the  
19 system?

20 A. No, I don't.

21 Q. Okay. At some point review from the outside  
22 becomes necessary? Wouldn't you agree?

23 MR. BOYD: Objection, incomplete  
24 hypothetical.

25 A. No. I don't think it necessarily becomes

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

STEPHEN McCOLLUM, and SANDRA §  
 McCOLLUM, individually, and STEPHANIE §  
 KINGREY, individually and as independent §  
 administrator of the Estate of LARRY GENE §  
 McCOLLUM, §

PLAINTIFFS

V.

CIVIL ACTION NO.

4:14-cv-3253

## JURY DEMAND

BRAD LIVINGSTON, JEFF PRINGLE, §  
 RICHARD CLARK, KAREN TATE, §  
 SANDREA SANDERS, ROBERT EASON, the §  
 UNIVERSITY OF TEXAS MEDICAL §  
 BRANCH and the TEXAS DEPARTMENT OF §  
 CRIMINAL JUSTICE. §

DEFENDANTS

Plaintiffs' Consolidated Summary Judgment Response Appendix

# EXHIBIT 291

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

|                           |                       |
|---------------------------|-----------------------|
| STEPHEN McCOLLUM and      | §                     |
| SANDRA McCOLLUM,          | §                     |
| individually and as       | §                     |
| independent administrator | §                     |
| of the Estate of LARRY    | § Civil Action        |
| GENE McCOLLUM,            | §                     |
|                           | § Number 4:14-CV-3253 |
|                           | §                     |
| Plaintiffs,               | §                     |
|                           | §                     |
| vs.                       | §                     |
|                           | §                     |
|                           | §                     |
| BRAD LIVINGSTON, JEFF     | §                     |
| PRINGLE, RICHARD CLARK,   | §                     |
| KAREN TATE, SANDREA       | §                     |
| SANDERS, ROBERT EASON,    | §                     |
| THE UNIVERSITY OF TEXAS   | §                     |
| MEDICAL BRANCH and THE    | §                     |
| TEXAS DEPARTMENT OF       | §                     |
| CRIMINAL JUSTICE,         | §                     |
|                           | §                     |
| Defendants.               | §                     |

-----

ORAL AND VIDEOTAPED DEPOSITION OF

JERRI DENEÉ ROBISON

APRIL 27, 2016

-----

1 ORAL AND VIDEOTAPED DEPOSITION OF JERRI  
2 DENEÉ ROBISON, produced as a witness at the instance  
3 of the PLAINTIFFS, and duly sworn, was taken in the  
4 above-styled and numbered cause on APRIL 27, 2016,  
5 from 9:37 a.m. to 6:11 p.m., before Melody Reneé  
6 Campbell, CSR in and for the State of Texas,  
7 reported by method of machine shorthand, at the  
8 offices of the Attorney General, 300 West 15th  
9 Street, Austin, Texas, pursuant to Notice and Court  
10 Order and the Federal Rules of Civil Procedure.

11

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Ms. Kimberly Kauffman

3 Mr. Richard Huntpalmer

Ms. Caroland Bremond

4 Ms. Heather Rhea

Ms. Jennifer Osteen

5 Ms. Deborah M. Woltersdorf

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|   | I N D E X                   | PAGE |
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| 1 |                             |      |
| 2 | EXAMINATION                 |      |
| 3 | By Mr. Medlock.....         | 7    |
| 4 | CHANGES AND SIGNATURE.....  | 240  |
| 5 | REPORTER'S CERTIFICATE..... | 241  |

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| 6  |  |      |
| 7  | NO. DESCRIPTION                              |      |
| 8  | 1 Deneé Robison's Objections and Responses   | 12   |
| 9  | to Plaintiffs' Subpoena Duces Tecum          |      |
| 10 | Attached as Exhibit A to their April 14,     |      |
| 11 | 2016 Notice to Take Deneé Robison's          |      |
| 12 | Deposition                                   |      |
| 13 | 2 06/16/11 E-mail from Virginia Robinson to  | 133  |
| 14 | Samual Hallman re: Psych Meds and the Heat   |      |
| 15 | 3 E-mail String Ending 08/04/11 from Kelly   | 144  |
| 16 | Maxwell to Lisa Blalack, et al, re:          |      |
| 17 | Reporting Heat-Related Illnesses             |      |
| 18 | 4 E-mail String Ending 08/05/11 from George  | 161  |
| 19 | Crippen to Robert Williams re: Heat          |      |
| 20 | 5 E-mail String Ending 08/05/11 from Charles | 176  |
| 21 | Adams to Robert Williams re : Bradshaw       |      |
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| 23 | Maximiliano Herrera to Avrian Mendez, et     |      |
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|    | 7 E-mail String Ending 08/09/11 from Jewel   | 199  |
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|    | 8 E-mail String ending 08/10/11 from Robert  | 203  |
|    | Williams to George Crippen re: Heat          |      |
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|    | Robison to Gary Eubank re: Huntsville Area   |      |
|    | Transient Unit Concerns                      |      |

|    | E X H I B I T S - Cont'd |  |      |
|----|--------------------------|--|------|
|    | NO.                      | DESCRIPTION  | PAGE |
| 1  |                          |  |      |
| 2  |                          |  |      |
| 3  | 10                       | E-mail String Ending 08/11/11 from Lucinda Webb to Sheri Noble re: 8 Hour Units                          | 214  |
| 4  | 11                       | E-mail String Ending 07/03/12 from Harold Clayton to Gary Wright, et al. Re: SDO Heat Related Complaints | 221  |
| 5  |                          |  |      |
| 6  | 12                       | E-mail String Ending 07/03/13 from Kathy Grey to Aboidun Alade, et al. Re: Heat Related Stress SDO       | 223  |
| 7  |                          |  |      |
| 8  | 13                       | E-mail String Ending 07./05/13 from James Fields to Angela Osborn re: Heat Related Stress SDO            | 226  |
| 9  |                          |  |      |
| 10 | 14                       | E-mail String Ending 08/13/12 from Bobby Vincent to Jerri Robison re: Offender Rodriguez                 | 232  |
| 11 |                          |  |      |
| 12 | 15                       | E-mail String Ending 05/28/13 from Jerri Robison to Kelly Maxwell re: Heat Restrictions                  | 234  |
| 13 |                          |  |      |
| 14 |                          |  |      |

\*-\*-\*-\*-\*



1       that system yet.

2           Q.    Okay.  So that kind of relies on the  
3       provider seeing the patient and making the evaluation  
4       and inputting that information into the HSM-18.  
5       Right?

6           A.    Well, prior to them seeing the patient,  
7       when they come in -- when they come in, we can get  
8       just hard copy lists initially.  When the patient  
9       arrives, just based on their medication, the provider  
10      will say, yes, you need to put them on the hard copy  
11      list.  And then when their provider does see them,  
12      then they will update the HSM-18 because by that time  
13      they will be in the system.

14          Q.    Was that the process that was taking place  
15      in summer of 2011, or was there a different process  
16      in the summer of 2011?  Were people taking that hard  
17      copy list you mentioned and adding inmates to a heat  
18      restriction list before they were seen by a provider?

19          A.    I don't know if that was happening  
20      consistently back then.

21          Q.    Do you know if that was happening at all,  
22      or was it just not happening consistently?

23          A.    I don't know.

24          Q.    Okay.  You would agree that when a patient  
25      comes into the system, that there is a gap between

1 when they are brought in at intake and when they see  
2 a provider and have the HSM-18 filled out. Right?

3 A. Yes. That's usually...

4 Q. And it's my understanding that that gap can  
5 be up to ten days. Is that right?

6 A. By policy, it's up to seven days.

7 Q. Okay. And that was the same policy UTMB  
8 was operating under in 2011?

9 A. I believe so.

10 Q. Okay. Now, when a patient first comes off  
11 the bus and ends up in one of the TDCJ facilities, a  
12 kind of triage assessment is done pretty soon after  
13 they arrive, like the same day they arrive. Right?

14 A. Yes, the same day, we do an intake  
15 assessment.

16 Q. And that's frequently an LVN that's doing  
17 that kind of first assessment. Right?

18 A. Could be an LVN or it could be a CCA, which  
19 is a correctional care associate. They -- that  
20 particular form does not -- or that -- that does not  
21 require a licensed person to do.

22 Q. In looking at those forms, that kind of  
23 looks like the kind of form that I might go fill out  
24 when I first go see a new doctor, because it has like  
25 check for family history, check for personal history,

1           A.    I don't know if I'd call it a crisis or a  
2 category -- I mean, if he wants to call it that,  
3 I'm --

4           Q.    You wouldn't disagree with him?

5           A.    I don't have any opinion about it.

6           Q.    As a nurse in the UTMB system, caring for  
7 patients in the TDCJ, if a correctional officer  
8 reported to you that an inmate was having convulsions  
9 in the middle of the night at a facility where there  
10 was no medical staff on site, what would you tell  
11 that correctional officer to do?

12          A.    They were actively having convulsions?

13          Q.    Right.

14          A.    I would tell them to call 911.

15          Q.    And you would do that a hundred times out  
16 of a hundred. Right?

17          A.    Yes.

18          Q.    All right. Are you aware of any  
19 correctional practice of allowing patients to have a  
20 seizure in the middle of the night and just waiting  
21 to have them be seen by medical in the morning?

22                   MR. ALVAREZ: Objection; vague.

23                   MR. NEUHOFF: Same objection.

24          A.    Can you be a little more specific about --

25          Q.    (BY MR. MEDLOCK) Let's assume that